

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NOS. 2:15-00135
2:18-00040

DONAVAN HARDISON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 22, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and on August 27, 2019, the United States of America appeared by Jennifer Rada Herrald, Assistant United States Attorney, and on both dates the defendant, Donavan Hardison, appeared in person and by his counsel, Timothy J. LaFon, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced two three-year terms of supervised release on December 26, 2018, one as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 4, 2016, in Criminal Action No.

2:15-00135 and the other three-year term of supervised release imposed on June 6, 2018, in Criminal Action No. 2:18-00040.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed another federal, state, or local crime, inasmuch as on April 23, 2019, he was found to be in possession of Xanax for which he had no prescription, and on June 11, 2019, the defendant was found to be in possession of 2 grams of marijuana and 1.8 grams of heroin; and (2) the defendant unlawfully possessed a controlled substance as evidenced above; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of both terms of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that both terms of supervised release previously imposed upon the

defendant in the above-styled action be, and they hereby are, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TIME SERVED, to be followed by a term of thirty-four (34) months of supervised release imposed in each Criminal Nos. 2:18-00040 and 2:15-00135, which shall run concurrently with each other, upon the same terms and conditions as heretofore, and upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), and the standard conditions as set forth in Local Rule 32.3, and the special condition that he participate in and successfully complete the nine (9) to twelve (12) month Recovery "U" residential long-term substance abuse treatment program upon his release, or a comparable program approved by the probation officer, where he shall follow the rules and regulations of the facility, and that

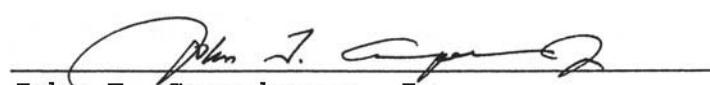
he participate in drug abuse counseling and treatment as directed by the probation officer.

It is further ORDERED that the defendant be released from custody on August 27, 2019, so that he can report to the Recovery "U" residential long-term substance abuse treatment facility immediately upon release. As a specific condition of his term of supervised release, the defendant shall travel directly, without interruption, from the South Central Regional Jail to the Recovery "U" residential treatment facility with transportation to be provided by his aunt, Carla Parkman.

The defendant was remanded to the custody of the United States Marshal for return to South Central Regional Jail and for release as above stated later on this date.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 27, 2019



John T. Copenhaver, Jr.
Senior United States District Judge